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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 TRAVELERS COMPANIES, INC.,

8 Plaintiff,

9 v.

10 JEREMY and RENEE FENDER,

11 Defendants.
12

Case No. MC18-0129RSL

ORDER GRANTING MOTION FOR
CONTEMPT SANCTIONS

13 This matter comes before the Court on Travelers' "Renewed Combined Motion for
14 Contempt Against, and to Compel the Depositions of, Jeremy Fender and Renee Fender."
15 Dkt. # 4. This action is ancillary to an insurance coverage case pending in the United
16 States District Court for the District of Idaho. Travelers, the defendant in the underlying
17 litigation, issued deposition subpoenas to non-parties Jeremy and Renee Fender pursuant
18 to Fed. R. Civ. P. 45. The depositions were scheduled to take place in this district. The
19 Fenders neither objected to the subpoenas nor appeared at the date and time specified
20 therein. Travelers incurred \$1,764.59 in unnecessary fees and expenses as a result.


21 Travelers filed this action to hold the Fenders in contempt. Civil contempt is
22 designed to "compel obedience with a court order, or to compensate the contemnor's
23 adversary for the injuries resulting from the non-compliance." Falstaff Brewing Corp. v.
24 Miller Brewing Corp., 702 F.2d 770, 778 (9th Cir. 1983). Where, as here, the subpoenaed
25 party failed to object to or move to quash the subpoena under Rule 45(d), the contempt
26

1 provision found in Rule 45(g) is the appropriate mechanism for enforcing the subpoena.¹
2 As contempt sanctions, Travelers request an order compelling the Fenders to provide
3 deposition testimony and to reimburse Travelers for the fees and expenses it incurred as a
4 result of their failure to appear as scheduled.

5 The record now shows that the Fenders were properly served with both the
6 deposition subpoenas and the motion for contempt sanctions. Although they were given
7 an opportunity to respond to the motion for contempt, they have not done so. The
8 unopposed motion for a finding of contempt and an award of sanctions is therefore
9 GRANTED. IT IS HEREBY ORDERED that:

- 10 ● Jeremy and Renee Fender are in contempt of Court for failing to comply with
11 the deposition subpoenas;
- 12 ● Travelers shall, within 24 hours of the docketing of this Order, serve the Order
13 on Jeremy and Renee Fender by regular U.S. mail and certified mail at the address
14 where they were personally served with the motion for contempt;
- 15 ● Jeremy and Renee Fender shall appear for their depositions at a date and time
16 that is mutually agreeable to them and Travelers' attorney, Gary Valeriano. The
17 depositions shall be completed within 30 days from the date of this Order. The
18 Fenders are required to initiate the communication to schedule their depositions by
19 contacting Mr. Valeriano at (213) 688-0080 or gjv@amclaw.com;
- 20 ● Jeremy and Renee Fender are jointly and severally liable for, and shall pay to
21 Travelers through Mr. Valeriano, costs and fees in the amount of \$1,764.59.
22 Payment shall be made within 30 days from the date of this Order.

23 Dated this 25th day of February, 2019.

24 
25 Robert S. Lasnik
26 United States District Judge

25 ¹ Pursuant to Rule 45(g), "[t]he court for the district where compliance is required . . .
26 may hold in contempt a person who, having been served, fails without adequate excuse to obey
the subpoena or an order related to it."